

In order to sustain a 103(a) rejection the reference must teach or suggest all of the claim limitations. There must be a basis in the art for modifying the reference. There must be a reasonable expectation of success of the modification, and the proposed modification(s) cannot destroy the principle of operation of a reference.

Applicant respectfully disagrees with the Examiner's conclusion. It appears the Bibbiani reference is directed to a device wherein a standard light source is replaced with a light pipe. Namely, the light pipe appears to perform the function of a light source, such as a light bulb. In short, Bibbiani teaches a form of light source. The only reference to a "lens" in Bibbiani is at col. 5, lines 8-14 and lines 64-67, more particularly, "support 28 can be a web-like member and a separate lens, for example, a lens which defines a plane transverse to axis 17,...". However, Bibbiani is not directed to the "lens", nor does it disclose any information as to the structure, form or use of the "lens", nor does it purport to solve any problem relating to the "lens".

Further, Bibbiani only teaches a dual reflector arrangement, namely, a light beam from pipe 14 is first reflected from reflective surface 32 to reflector 20. Only light reflected from reflector 20 is directed toward the ambient environment. Bibbiani does not teach a single reflector lens as disclosed in the instant invention. Nor does Bibbiani teach a reflective surface in light source 12.

With respect to claim 1, Applicant agrees with the Examiner that Bibbiani does not disclose the light source 13 between the reflective surface 12 and the planar layer 15, please see the application. This alone renders Bibbiani unavailable to support the rejection. Nor is there motivation to modify Bibbiani in such a manner.

Bibbiani teaches a remote light source 12 connected by a light pipe 14 to a light head assembly 10. The light pipe acts as a light conduit to transmit light from the single remote source 12, col. 5, line 30. The light pipe emits a "small and slightly diverging light beam" col. 5, lines 49-52, that is, a very narrow, focused light beam. The narrow light beam emitted from light pipe 14 toward reflective surface 32 passes through the common focal point of the reflector 20, see col. 6, lines 39-45, in order to make it "appear to the primary reflector as light being emitted from a conventional "hot" source...". See also col. 6, lines 29-32, discharge end 15 is "eclipsed" by deflector 30 to "intercept substantially all of the light beam...". Bibbiani only teaches dispersion of the light beam by reflective surface 32 which light is then received and reflected by reflector 20, col. 6, lines 58-62, in order to operate properly.

Modifying Bibbiani as proposed by the Examiner necessarily requires omitting one of the two reflectors. Namely, omitting reflective surface 32 would reduce Bibbiani to a single light pipe

emitting a single narrow beam of light. There is no incentive to modify Bibbiani in this manner since it would not be capable of providing wide area illumination.

Further, placing the light pipe 14 between the reflector 20 and the support 28 would necessarily require the user to select which would be illuminated, reflector 20 or the support 28. In either case, only a small portion of the reflector 20 or support 28 would be illuminated due to the omission of dispersive reflective surface 32 coupled with the highly directional nature of the light emitted from the light pipe. Again, only a narrow beam of light would be emitted from the light head. Consequently, the proposed modification destroys the intended function of Bibbiani, hence, there is no incentive to modify Bibbiani, rendering it and the proposed modification unavailable to support this rejection.¹ Please note this argument should not be construed as an admission that support 28 comprises a planar layer.

Applicant respectfully asserts that the Examiner's reliance on In re Japikse to cast the invention as simple rearrangement, and to thereby avoid the problem of changing the principle of operation, is not appropriate. *Japikse* is not applicable in this case because *Japikse* involved simply shifting a position of a starting switch *without modifying the operation of the invention*.² (emphasis added). In this case, moving the location of the light source is significantly more than a simple position change as it modifies and destroys proper operation of the cited reference, rendering it unavailable to support the rejection.

Although it is not particularly identified in the office action, for the purposes of these arguments, Applicant assumes the Examiner's reference to "planar layer" refers to discharge end 15. However, there is no teaching in Bibbiani that discharge end 15 comprises either a "planar layer" or any form of "layer" at all. Bibbiani does refer to a "substantially planar *support* surface S", col. 5, lines 58-59 (emphasis added). However, surface S does not comprise light transmitting elements and it is only used for mounting the head assembly 13.

As to claim 2, there is no teaching in Bibbiani regarding light-transmitting elements each having a central axis that is inclined to a reflective surface. The Examiner has offered no other reference with Bibbiani to support the statement that "the general conditions of the claim are disclosed in the prior art". A general assertion cannot replace specific teachings in the art. A reference to support this statement is required to which Applicant can properly respond. Further,

¹ Bibbiani at col. 6, lines 53-57 does refer to providing deflector 30 with a "transparent region(s) through which light may pass", however, the nature of the "transparent region" is not disclosed, nor is any structure for the "transparent region" taught, nor is a light dispersive quality attributed to the "transparent region".

² The *Japikse* court stated "As to that limitation it was held that there would be no invention in shifting the starting switch disclosed by Cannon to a different position *since the operation of the device would not thereby be modified*." (emphasis added). In re *Japikse*, 86 USPQ 70, 73 (1950).

there is no motivation to modify Bibbiani as such because Bibbiani relies completely upon the highly directional light beam emitted from the light pipe 14 passing through the focal point of the primary reflector 20 while being incident upon reflective surface 32. Modifying Bibbiani to incline an axis of light pipe 14 to reflector surface 32 would necessarily bias the narrow light beam away from the reflective surface 32 causing the light beam to partially or completely miss reflective surface 32. This would prevent proper secondary reflection of the light from reflective surface 32 to reflector 20, thereby rendering the reflected light beam significantly diminished, again, destroying the intended function of the reference, that is, wide area illumination, see col. 6, line 22.

As to claim 3, it ultimately depends from claim 1. Regarding the Examiner's statement that "Bibbiani's device discloses the aforementioned limitations including the alignment of the light sources (see fig. 6)", Applicant respectfully disagrees in all respects as to Bibbiani Fig. 6. Fig. 6 does not disclose alignment of the light sources with the light transmitting elements. There are no light transmitting elements taught in Bibbiani which function as a lens separate and distinct from those functioning as the light source, namely, light pipe 14' is the light source for the head. Nor does Bibbiani teach light transmitting elements that are coplanar and adjacent to each other. Further, Fig. 6 only discloses a single light source (light pipe) 14', not a plurality of light sources.

As to claim 5, Bibbiani does not teach an outer surface of each light transmitting element that is coplanar with each adjacent light transmitting element outer surface. As argued above, Bibbiani does not teach a lens. Although Bibbiani at col. 7, line 6 does refer to "one or more light pipes 14", it does not teach adjacent light transmitting elements, nor does it teach any aspect of any relationship between light transmitting element outer surfaces, coplanar or otherwise.

As to claim 7, Bibbiani does not teach a plurality of light transmitting elements arranged adjacent and parallel to each other to form a bundle describing a substantially planar layer. Although Bibbiani at col. 7, line 6 does refer to "one or more light pipes 14", it does not teach any aspect of any relationship between the light pipes. No bundle nor substantially planar layer is taught in Bibbiani.

In fact, the Bibbiani disclosure strongly implies that the "light pipes 14" can only approach the light head from different angles in a non-planar manner because "[one] or more deflectors 30 can be positioned off-center with respect to axis of symmetry 17 of reflective surface 24 and receive light from one or more light pipes 14", see col. 7, lines 4-6. Each light pipe would have to be individually aimed to properly illuminate each respective "off-center" deflector, necessarily rendering any parallel arrangement impracticable.

Further, as argued for claim 1 above, the disclosure in Bibbiani teaches nothing of lens 28' other than "Support 28' is shown as a light transmissive lens which is mounted to primary reflector

20", col. 5, lines 64-65. No further teaching is provided as to the particular structure, form or use of the "lens", nor does it purport to solve any problem relating to the "lens".

As to independent claim 9, the Examiner offers no reference teaching certain elements in claim 9, namely:

"the light emitting surface having a visual appearance substantially the same as an adjacent member surface containing the light emitting surface when the light source is off."

Bibbiani does not teach nor disclose any aspect of this limitation in claim 9. More particularly, Bibbiani does not teach a light emitting surface having a visual appearance substantially the same as an adjacent member surface when the light source is off.

As to claim 10, there is no teaching in Bibbiani regarding light transmitting elements each having a central axis that is inclined to a reflective surface. Applicant refers to and incorporates herein the argument for claim 2 above as well. Claim 10 depends from claim 9.

As to claim 11, claim 11 ultimately depends from claim 9.

As to claim 12, Bibbiani does not teach light transmitting elements forming a substantially planar layer as argued for claim 7 above. Please see argument for claim 1 as well.

As to independent claim 13, the Examiner offers no reference teaching certain limitations in claim 13, namely:

"the light emitting surface integral to a member surface; and
the light emitting surface is not substantially visually distinguishable from the adjacent member surface when the light source is off.

Applicant respectfully asserts that neither of these elements are taught or disclosed in Bibbiani. More particularly, Bibbiani does not teach a light emitting surface being substantially visually indistinguishable from the adjacent member surface when the light source is off.

As to claim 14, Bibbiani does not teach a light source disposed between the reflective surface and the light emitting surface. Applicant refers to and incorporates herein the argument for claim 1 above. Claim 14 depends from claim 13.

As to claim 15, there is no teaching in Bibbiani regarding light transmitting elements each having a central axis that is inclined to a reflective surface. Applicant refers to and incorporates herein the argument for claim 2 above.

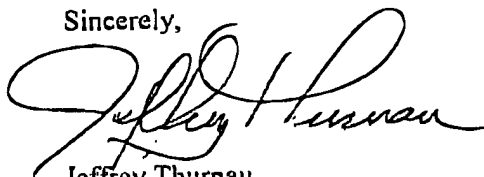
Applicant respectfully requests withdrawal of the 103 rejection as to all claims.

V. Fees.

Any fees payable for this amendment may be deducted from deposit account 07-0475 in the name of The Gates Corporation. The total pending claims stand at 17, with 6 independent claims (two new independent claims added in this response and one independent claim cancelled in the response dated Apr. 11, 2002).

Thank you for your attention to this case. If any questions arise, please call at the number below.

Sincerely,



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Redlined Claim Serial No. 09/616,746

~~6. (Once amended) The signal lens as in claim 1 [5], whereby:~~

~~a first line drawn between adjacent light transmitting elements when bisected by a second line normal to the first line drawn from a tangent point on a third light transmitting element, the second line having a length d_2 ; the light transmitting elements each having a diameter d_1 ; and~~

~~$d_2 < d_1$.~~

7. (Twice amended) A lens comprising:

a reflective surface; and

a plurality of light transmitting elements arranged adjacent and parallel to each other to form a bundle describing a substantially planar layer; and

the reflective surface arranged substantially parallel to the planar layer whereby a light is (may be) reflected from the reflective surface and received by at least one light transmitting element.